



Attorney's Docket No.: 004098.P002

PATENT

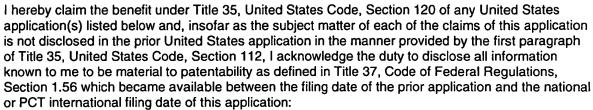
As a below named inventor, I hereby declare that:

I believe I am the origina first, and joint inventor (for which a patent is so	al, first, and sole inventor () or an original,
the specification of which	:h		
	hed hereto. d on (MM/DD/YYYY)3 United States Application or PCT International App and was amended on (M	Number <u>09/677,040</u> lication Number	as
	and was amenaed on (w	(if applicab	ole)
I acknowledge the duty defined in Title 37, Code I hereby claim foreign p foreign application(s) fo	the claim(s), as amended to disclose all information e of Federal Regulations, striority benefits under Title r patent or inventor's certifor patent or inventor's cer	d the contents of the above-ider by any amendment referred to a known to me to be material to p Section 1.56. 35, United States Code, Section icate listed below and have also tificate having a filing date befor	bove. atentability as 119(a)-(d), of any identified below
Prior Foreign Applicatio	<u>n(s)</u>		Priority <u>Claimed</u>
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes No
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes No
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes No
I hereby claim the bene provisional application(s		tates Code, Section 119(e) of a	ny United States
_60/157,221	September	30, 1999	
Application Number		MM/DD/YYYY)	

Rev. 10/01/00 (D2)

Application Number

(Filing Date - MM/DD/YYYY)



Application Numb	er (F	iling Date - MM/DD)/YYYY) [—]	Status p	patented, pending, aband	doned
Application Numb	er (F	Filing Date – MM/DD	<u> </u>	Status p	patented, pending, aband	doned
art of this document	t) as my responding to proper to the term of the term	ed on Appendix A hopective patent attornous coute this application herewith.	neys and p	atent agen	its, with full pow	er of
Send corresponder ZAFMAN LLP, 1240 elephone calls to	(Nam 0 Wilshire I Robert B	ne of Attorney or A Boulevard 7th Floo	gent) or, Los An , (408)		, SOKOLOFF, ifornia 90025 a	
tatements made o	n information	nents made herein on and belief are b e knowledge that v	elieved to	be true; a	and further tha	t these
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Rev. 10/01/00 (D2)

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APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.